

The Gazette of India

EXTRAORDINARY

PART II—Section 3

PUBLISHED BY AUTHORITY

No. 275] NEW DELHI, TUESDAY, MAY 28, 1957/JYAISTHA 7, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 22nd May, 1957

S.R.O. 1741.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 434 of 1957, presented to the Commission on the 3rd May, 1957 under section 81 of the said Act, by Shri Gobardhandas Binani, son of Shri Mathuradas Binani, resident of 38, Strand Road, Calcutta, calling in question the election to the House of the People from the Barmer Parliamentary constituency of that House of H. H. Raghunath Singh, son of Maharawal Girdhar Singhji, resident of Palace, Jaisalmer (Rajasthan).

Presented to me by Shri Gobardhandas whose signature has been obtained in the margin and attested as having been signed before me this the third day of May, One Thousand Nine Hundred and Fifty Seven.

(Sd.) A. KRISHNASWAMY AIYANGAR, Secy.,

Election Commission, India.

(Sd.) GOBARDHANDAS BINANI,

Attested.

(Sd.) A. KRISHNASWAMY AIYANGAR,

Secretary.

ELECTION PETITION No. 434 OF 1957

TO THE SECRETARY, THE ELECTION COMMISSION, INDIA, NEW DELHI

Gobardhandas Binani s/o Mathuradas Binani, resident of 38, Strand Road, Calcutta, a candidate for election to the House of the People from Barmer Parliamentary Constituency in Rajasthan, for which election was held in February-March, 1957—*Petitioner.*

Versus

H. H. Raghunath Singh s/o Maharawal Girdhar Singhji, resident of Palace, Jaisalmer (Rajasthan), returned from Barmer Parliamentary Constituency, as a result of election held in February-March, 1957—*Respondent.*

Election Petition under section 80 of the Representation of People Act, 1951.

The petitioner respectfully submits as follows:—

1. That the petitioner stood as a candidate in election held in February-March, 1957 for election to the House of the People from Barmer Parliamentary Constituency in the State of Rajasthan.

2. That Barmer is a Single Member Parliamentary Constituency.

3. That, besides the petitioner, the respondent and two other persons, Shri Rup Narain and Shri Hukam Singh also filed their nomination papers; but Shri Rup Narain withdrew on 4th February, 1957, and Shri Hukam Singh retired from the contest by 14th February 1957.

4. That polling in the said Constituency commenced on 25th February 1957 and ended on 9th March 1957.

5. That result of election for the said Constituency was declared on the 21st March, 1957; and the petitioner and the respondent were declared to have secured 51,701 and 79,318 votes respectively, and the respondent was declared to have been elected to the House of the People from the said Constituency.

6. That, as required by Section 78 of the Representation of Peoples Act, 1951, the petitioner lodged with the Returning Officer an account of his election expenses on 20th April 1957, and the respondent lodged the same on 18th April, 1957.

7. That the respondent was disqualified for being chosen as, and for being a Member of the House of the People, and was disqualified to be chosen to fill the seat under the Constitution and/or the Representation of the Peoples Act, 1951, as he himself had interest in following contracts with the Government of India.

(a) A house belonging to him known as 'Jaiselmer House' in New Delhi is under a contract of Lease with the Government of India, from which he derives financial benefit;

(b) A house belonging to him, and known as 'Johar Niwas' Jaisalmer is on a contract of Lease with the Government of India, from which he derives financial benefit; and

(c) Another house known as 'old Hospital Building' at Jaisalmer is also on contract of Lease with the Government of India, from which he derives financial benefit.

8. That the petitioner states that election of the respondent to the House of the People was and is void on account of the corrupt practices committed by the respondent, his Election Agent, and/or, by other persons. In any event the result of the election, in so far as it concerns the return, has been materially affected by corrupt practices committed by the respondent and/or his agents, and other persons in his interest, and by improper reception of votes, and by noncompliance with provisions of the Constitution, and/or the Representation of Peoples Act, and/or of rules or orders made thereunder. Particulars are given below:—

A Bribery.

(a) The respondent distributed moneys to voters personally, or through his agents, or by other persons in order to induce them to vote for him, and to refrain from voting for the petitioner.

(b) On or about 3rd March 1957, the respondent paid Rs. 500 to an Institution named 'Sheo Mandal' run by a predominating sectarian majority in the Phalodi town with a view to canvass and influence the votes for respondent and against the petitioner; and, as a result of it, persons connected with this Institution actually worked with great in the respondent's election in Phalodi town, in lieu of the money paid by the respondent to the said Institution.

(c) That, on or about 5th March 1957, in Phalodi, the respondent through his agents held out promises to the people of that place, that he would give Rs. 5,000 for the construction of a Boarding House for the school boys of Phalodi, in case he succeeded in the election.

(d) On the night of 8th March 1957, at Balotra, wine was served to Mochis and Meghwals by agents and canvassers of the respondent in order to obtain votes.

B. Vehicles & Conveyance.

The respondent and his agents hired and procured, on payment and otherwise several vehicles and camels etc. for conveyance of the electors to and from the Polling Stations in this Constituency. Particulars are given below:—

- (a) This was done in or near Jalora, Chandan, Rawatsar and many other polling stations. Many of the cars in which the voters were conveyed bore respondent's posters. Camels, bullock-carts and jeeps were also hired and procured and voters were carried or conveyed in them. In Jaisalmer he employed for bringing voters to polling stations camels branded with his personal symbol.
- (b) Near the Chandan Polling Station, on 25th February 1957, the petitioner actually found a Bus No. RJM 12 bearing respondent's posters and conveying voters or electors for the respondent to the polling station, and immediately brought it to the notice of the Presiding Officer.
- (c) On 1st March 1957, three bullock-carts which were used for conveying voters for the respondent to the polling station were detected in Rawatsar village, and the matter was similarly reported to the Presiding Officer. The Collector and the Superintendent of Police of Barmer were also present at that time.
- (d) At Khejariyall on 25th February 1957, Bakhtawar Singh, respondent's Polling Agent, carried voters to polling station in conveyance. Similar acts were committed by his other agents at Samdari, Siwana, Rakhi, Ramaniya, and many other places, on the dates of polling on those stations.

C. Systematic appeals were made by the respondent and/or his agents, or other persons to vote for the respondent, and to refrain from voting for the petitioner, on grounds of caste, community, and religion. The following are its particulars:—

- (a) To Hindu voters the respondent and/or his agents appealed saying that the respondent was a saviour of Hindu religion and a protector of cows, and any one who would vote for the petitioner would be committing the sin of killing 10 cows, while to vote for the respondent would be a vote for the Hindu religion and the cow.
- (b) To Muslim voters the respondent and/or his agents said that the Peer of Pagaro (Pakistan) had sent a message to the Muslim voters enjoining upon them to vote for the respondent as the latter had arrived at a satisfactory arrangement with him for movement and education of Muslims and every other possible help, and had already given financial aid for advancement of Muslim education, and that to vote for respondent would be a victory for Islam in India; that any one who would vote for the Congress candidate (the petitioner was a Congress candidate) would be a 'Kafir'. Among other places, this was done by one Variyam, an agent of the respondent on or about 19th February 1957 in Sihaniya, and on 23rd February 1957 at Bhada. In support of their propaganda, on the eve of the commencement of the election, the respondent's agents freely and openly read to Muslim voters or electors a letter to this effect purporting to have been received from the Peer of Pagaro.
- (c) To Rajput voters, the respondent and his agents and other persons, with the consent and at the instance of the respondent and his agents appealed to Rajputs that vote for the respondent would lead to restoration of the Jagirs to Rajput Jagirdars, and election of the Maharawal would restore the freedom of Jaisalmer through their ruler, the Maharawal.
- (d) The respondent and his agents systematically spread rumour throughout the Constituency that the votes were being taken on the issue as to whether the Rajputs were to get back their State of Jaisalmer, and the propaganda was made on that basis for exploiting communal sentiments of the illiterate Rajputs and to impress upon them that voting for the respondent would be to vote for revival of the system of Bhoo-swamis.

D. There was direct and indirect interference or attempts to interfere on the part of the respondent and his agents and other persons with the free exercise of electoral rights by the voters. Some of the instances and particulars are given below:—

- (a) The respondent employed about 200 persons belonging to various communities of the Phalodi town on payments ranging from Rs. 5/- to Rs. 10/- per head per day in order to influence the voters of their respective communities to vote for him and against the petitioner. The total strength of the Constituency was about 10,000 voters. Considering the total number of votes polled in this Constituency i.e. 2,710, it will be clear that the large number of men employed by the respondent were for the purpose of influencing votes in his favour, and for preventing the supporters of the petitioner from exercising their votes.
- (b) That the respondent's agents and other persons with the knowledge of the respondent gave out that Jaisalmer, which is well known for bold and notorious dacoits, had openly declared that the defeat of the Maharawal of Jaisalmer will be their defeat, and that persons working and voting against the Maharawal will have to face dire consequences. Such threats were given throughout the whole Constituency during the whole period of election.
- (c) In Khichand village, near Phalodi town, inhabited by rich Mahajans, respondent's agents on or about 23-2-1957 and 6-3-1957 threatened the people that if they voted for the petitioner, who was a Bania, dacoits of Jaisalmer would ransack the place, and the petitioner would be able to afford no protection to them being an outsider. It was impressed upon the voters that the Congress Government was impotent and could not catch the dacoits who had committed dacoities some two years back.
- (d) The respondent's agents or supporters gave open threats of violence throughout the Constituency that people who would not vote for the respondent must not vote for the petitioner, otherwise their cattle, children and women-folk would be kidnapped to Pakistan, with the result that at least 50,000 voters in this Constituency who were supporters of the Congress party and the petitioner did not cast their votes out of fear of victimisation.
- (e) That in the village Sadhon, on or about 24-2-1957 services of one Vijya Singh, who is considered to be a dangerous man, were employed by the respondent to intimidate the voters and he threatened the voters in the said village with dire consequences if they did not vote for the respondent.
- (f) That on or about 3-3-1957 at Sankra, services of another similar person, Sanwant Singh, were employed for the same purpose.
- (g) That on or about 3-3-1957, Shri Mahadan Singh and Surajmal Singh, close relatives of the respondent, and Bhanwar Singh of Baru at Khetolai Polling Station, who were agents of the respondent, armed with guns, threatened the voters with death or kidnapping if they came to vote for the petitioner.
- (h) On 13-2-1957, the petitioner had gone to Birsatara in District Barmer at about 6 p.m. to address an election meeting accompanied by the President of the Barmer District Congress Committee, Shri Birdhi Chand, when at about 7 p.m. the respondent's men attacked the petitioner's party with swords and lathis, as a result of which the petitioner's party could not hold the election meeting, and had to leave the place to save their lives. Six persons out of the petitioner's party including his driver were treated in Barmer Hospital for the injuries sustained by them.
- (i) At an election meeting held in Jaisalmer proper on 25-2-1957, which was to be addressed by the petitioner, some young men of the respondent's community, wearing his election badges, disturbed the meeting and threw stones. The matter was reported to the Police, and the meeting had to be dissolved. Dr. Kanhaya Lal Achalvanshi, Chairman of the Municipal Committee of Jaisalmer, was presiding at the meeting, and besides the petitioner, Shri Jagat Narain Rajey of

the All-India Congress Committee was also present and tried unsuccessfully to address the meeting. This matter was reported to the Commissioner, Jodhpur on 27-2-1957.

- (j) Throughout the election period and specially on polling days, the respondent's agents, including the Thakur Saheb of Kotra, Sindri and Gura were terrorising, and exercising undue influence and pressure upon, the voters in favour of the respondent and against the petitioner, about which the petitioner sent a telegram to the Returning Officer, Jodhpur on 6-3-1957 and a copy of it to the Collector, Barmer.
- (k) That on 6-3-1957, at about 5 p.m. Jagirdar Bhagat Singh s/o Dhan Singh, and Isra s/o Thana by caste Sonar, of Bisala who were working on behalf of the respondent and were his agents and supporters threatened one Hasan s/o Hafid, that in case he did not vote for the respondent, he would be done to death, or his house would be ransacked. A report about this was lodged by the petitioner with the Police Superintendent Barmer, along with the letter with respect to it received from Hasan.
- (l) In Balesar, on or about 25-2-1957, Bhooswamis, who were agents and supporters of the respondent threatened Dal Singh, who is an organiser of the Congress Seva Dal, that his nose would be chopped off, and also administered oaths to some people there that to give vote to Congress is a sin equivalent to killing a cow.
- (m) In Chaku-Chimna and Agolai, on 27-2-1957, agents and supporters of the respondent came from Jaisalmer and threatened and stopped voters from voting.
- (n) In Ketu Kallan, the Polling Booth was open and visible from top. On 9-3-57, the day of polling, one of the respondent's men or supporters set on a tree nearby, and was threatening persons who were showing inclination to put their ballot papers in Congress Box. The threats were actually carried out by the respondent and his men in the shape of stoppage of water of Meghwals after the elections.
- (o) On and about 25-2-1957 in Dhandoo and Ugras villages, Balwant Singh, Sarpanch threatened Bhikaram, Nayab Sarpanch, that he was helping Congress and if he continued doing so, he would not be left alive, his property would be taken away and the woman abducted to Pakistan.
- (p) In Au village, on or about 1-3-1957, Jor Singh threatened people that those who do not vote for Maharawal would be turned out of the village and gave them oath and also told them that if they voted for Congress it would be the same as eating cow's flesh.
- (q) In Lohawat, on or about 25-2-1957, Shri Haringa Ram, Sarpanch was threatened that he should stop supporting Congress and that otherwise he would suffer dire consequences.
- (r) On 4-3-1957, i.e. a day prior to the date of polling in Madpura village (Tehsil Barmer), Sujjan Singh, Jagirdar, Udkha and Prem Singh of Jaisalmer both active canvassers of the respondent threatened Poorna Simrath, Naravan, Ladhuram, and Khinya etc. that the residents of the village Madpura are to vote for the respondent, and should they fail to do so, their cattle and women would be lifted and their 'Dhanies' would be ransacked.
- (s) That on 4-3-1957, i.e. a day prior to the date of polling in Bandra (Tehsil Barmer), Jagirdars Mahadan Singh s/o Pahar Singh, and Jet Singh s/o Birdh Singh, and Veeram Singh s/o Dhokal Singh went to Bandra, and on seeing that the residents of that village were not likely to vote for respondent, threatened the people of that village that if they wished for safety of their persons and property including their cattle, they must not come out to vote.
- (t) Likewise, on 4-3-1957, one Indra Singh Bhati of Zinzanyali and Dhood Singh Rajput of Nosar, both active canvassers and workers of the respondent went to the village Mardpura Barwala (Tehsil Barmer), and gave the same threats to the voters of that village.

- (u) Similar threats were given by Jagirdars Bhik Singh and Jalam Singh in village Khudasa (Tehsil Barmer) on 5-3-1957.

The result was that the voters of the above villages did not turn up to cast their votes.

- (v) On or about 21-2-1957, Jagirdar Bhunihar Singh of Chokhala, and Jagirdar Kusal Singh went to village Chokhala, and told the voters of that village not to go for polling. The threat was given that in case they went to polling, they would be turned out of the village, their water-supply would be stopped, and cattle would be lifted.

- (w) In Jaisalmer area, residents of many villages, inhabited by the pastoral class, were threatened that if they did not vote for Maharawal, their cattle would not be allowed to graze in the fields. The general threat of kidnapping and lifting the cattle was repeatedly given throughout the area to influence the voters in favour of the respondent.

- (x) At Patodi Polling Station, on 5-3-1957, Roop Singh, Kamdar of Thakur of Patodi, who worked for the respondent's election threatened all voters of the village openly with dire consequences if they did not vote for the respondent or voted for the petitioner. People were afraid and they even refused shelter to the petitioner's agents. One Partapa allowed Polling Agents of the petitioner to live in his house. He was given serious threats, and he reported this fact to S. D. Magistrate, Balotra. Similar threats were given to one Hamida of the same village, and he had to lodge a complaint with Police. The result was that most of the sympathisers of the Congress party refrained from coming to the Polling Booth to cast their votes.

- (y) At Polling Station Kuship, on 5th March 1957, one Hanwant Singh, Jagirdar of the village a canvasser for the respondent himself and through his servant Multanmal and through Umaid Singh, a Government servant, intimidated Meghwal voters, administered them oaths, and took promises for voting for the respondent. This materially prejudiced the polling in favour of the respondent.

- (z) Similar corrupt practices were committed by Bakhtawar Singh, Polling Agent of the respondent at Khijariyall on 23rd February 1957 at Kotari on 1st March 1957 at Samdari on 4th March 1957, and by Ranjit Singh of Nimba-ki-Dhani on 7th March 1957, at Pareau by Bhagwat Singh and Hottu Jagirdar on 7th March 1957 at Hungara, Amar Singh at Korna on 7th March 1957, by Bhoor Singh and others at Padru on 7th March 1957, by Hameer Singh, Balwant Singh, and Mool Singh at Mithura, Mitha and at almost all places by respondent, his agents and canvassers.

- (aa) At Polling Station Korna, on behalf of the respondent, knowing that the respondent would get less votes than the petitioner, Kanwar of village Bagawas propagated on night of 26th February 1957 that votes would be taken on 28th February 1957. People did not come to vote due to this false news and polling was poor. By a similar trick one Chiman Singh on 25th February 1957, prevented about 50 voters coming from village Khattu to the Polling Station Chandesara.

9. Election of the respondent is void also because he, his agents, and other persons for his benefit.

- (1) procured false votes, and votes of dead persons, and the same were improperly received and falsely and fraudulently cast in favour of the respondent,
- (2) by direct and indirect means prevented voters of the petitioner from exercising their right to vote, and
- (3) influenced Government Officers in his favour and against the petitioner.

Some of the instances are given below:—

- (a) At Thapan on 1-3-1957, the respondent's polling agents and his canvassers brought one Koja to vote in place of his deceased brother Foja. In spite of the objection, raised in this behalf, and getting Koja indentified as Foja, he was allowed to vote, and got his vote casted in favour of the respondent.

- (b) On 27-3-1957, at Ramaniya Polling Station, Thakur of village Devandi, who was respondent's Polling Agent, purchased or procured Ballot Papers from Meghwals and got them dropped in respondent's boxes through his reliable voters.
- (c) At Mokalsar, on 27th February 1957, a Rajput youth came to vote in place of a dead voter named Rana s/o Adring aged 42. One Girdhari Lal challenged him. Presiding Officer asked Girdhari Lal to put in a written objection. While Girdhari Lal was writing the objection, the voter cast the vote in favour of the respondent.
- (d) At Mokalsar Polling Station, Shri Prabhu Dan allowed respondent's Polling Agents to canvass them in booth area.
- (e) At Polling Station Khandap, on 3rd March 1957, Shri Prabhu Dan allowed one Zamku wife of Ranchod to vote in place of Zamku w/o Anachu (voter No. 821 on page 9) although she was not the voter.
- (f) At Polling Station Majal, one Rama s/o Jasa left his ballot paper on the ballot boxes of Raghunath Singh and Anop Singh. The voter left the station. After some time, Prabhu Dan, Presiding Officer called the voter back and allowed him to put the ballot paper in box of the respondent. He should have instead rejected his vote.
- (g) At Majal Polling Station, a woman named Chuni was allowed to vote in place of Kupi wife of Mana (voter No. 634). This was done at the instance of the Polling Agent of the respondent.
- (h) At Polling Station Didus, a woman named Tipu, second wife of one Rugia came to vote in place of Sangari, deceased first wife of that Rugia. She admitted this fact before the Polling Officer, and was turned out once. But, at the insistence of Bakhtawar Singh, Polling Agent of the respondent, the Presiding Officer allowed her to cast vote in favour of the respondent.
- (i) At Polling Station Rakhi, on 1st March 1957, one Kharwal, voter of Sanwaria used his assembly ballot papers. Parliament ballot was issued to him, but he left it with the Presiding Officer and went away. Presiding Officer sent his tractor to get the voter back. Voter returned after Polling hours, but he was allowed to vote in favour of the respondent, though the other party objected.
- (j) At Ratari Polling Station, on 5th March 1957, Presiding Officer was guest to respondent's Polling Agent, Jagirdar of that place. His whole party boarded at his place. The respondent's agent was favoured on polling day by being allowed to canvass for his principal, and also terrorised the voters.
- (k) At Polling Stations Siwana on 25th February 1957, and Ramaniya on 27th February 1957, Mawari Rajput and Purchit ladies came in Purdah. They were voters for the respondent. They did not give their names, nor did they disclose their husbands' names. They did not lift their veil. There was no arrangement for identifying them. Agents of the respondent were allowed by the Presiding Officers to read the names from slips supplied by candidates and the ladies only nodded in response, and they were allowed to vote. In this way, at these Polling Stations, and at many other Polling Stations many false votes were cast in favour of the respondent. Agents of the petitioner objected, but no heed was paid. This seriously affected the petitioner.

10. There was non-compliance with the provision of the Representation of Peoples Act, and the rules and orders made thereunder, and result of the election was materially affected thereby. Some of the instances are given below:—

- (a) That the polling for Khadla was scheduled to be held on 3rd March 1957, but it was subsequently changed to 8th March 1957, but the lists of the electoral rolls of the voters to the concerned Polling Station were not supplied to the Polling Officers, and consequently no vote could be cast in that Polling Booth.

- (h) Symbols were not properly pasted on petitioner's boxes and many boxes of the petitioner remained un-identified for long intervals, and loss of votes was caused to the petitioner.
- (c) Polling Stations at Padru, Mithura, Ratari, Patodi, Kuship and many other places were kept in 'Kots' or Mansions of Jagirdars, who were either of the respondents relatives or his agents.—Voters and ladies in general feared going there and this loss materially and adversely affected the petitioner.
- (d) At Namak Khan Polling Station just a day before Polling, booth was changed from Salt Office to a lonely place named 'Kankariya Bunga-low'. This place was situated at a distance of about 2 miles from the actual populated portion. There was no arrangement of drinking water; lady voters were afraid to come at such a place; many people even could not know the change and consequently only 156 voters came out of more than a thousand.
- (e) Lists of voters supplied to the petitioner were defective. Many parts were missing, and the petitioner could not know the particulars of the voters, due to which he could not canvass them.
- (f) On the voters' list of Sawan Rawatji village, the name 'Sawan Padam Singh' was printed, and on the list of Sawan Padam Singh village, 'Sawan Rawalji' was printed. This fact was reported to the Collector, Barmer. There is a distance of about six miles between the two villages, and on account of confusion created by this, only very few voters could come and cast their votes. The petitioner had good support in this area, and he suffered a great loss.

11. The respondent and his agents and other persons on his behalf obtained and procured assistance of Government Officers for furtherance of the prospects of the respondent in the election.

- (a) At Polling Station Gura, on 27th February 1957, Ranjeet Singh, and Himmat Singh, Polling Agents and Canvassers of the respondent sought assistance of one Shohn Singh, a Government servant (Patwari posted at Gura) to canvass for votes for the respondent, and at their instance, and with their connivance, Shohn Singh openly canvassed and terrorised voters to vote for the respondent.
- (b) In village Kuship, on 5th March 1957, services of the village Patwari Umaid Singh were sought and utilised for the benefit of the respondent in the election.

12. In contravention of the provisions of the Representation of Peoples Act, and rules framed thereunder, on 7th March 1957, the day of polling at Padru, an election meeting was held by the respondent's agents and canvassers in the house of the Jagirdar of Padru, within 300 feet of the Polling Station. This was brought to the notice of the Polling Officer. At this meeting, voters were treated to tea and opium in order to influence them to vote for the respondent.

13. The respondent and his Election Agent incurred and authorised expenditure in contravention of Section 77 of the Representation of Peoples Act. In the election accounts submitted by the respondent, various items incurred by the respondent in the election have been deliberately omitted. Some of them are given herein below:—

- (a) The respondent had employed for purposes of election many trucks, jeeps, cars, bullock-carts and camels, belonging to his friend and on hire, but has not shown the expenses thereof, or its equivalent, in the return filed by him.
- (b) The respondent employed on Daily Wages basis about 400 persons throughout the Constituency for his election, but he has deliberately omitted the amount of the payments made to these persons.
- (c) His election agent, Bhagwat Singh, is a paid employee of the respondent, and his services were switched off from his normal duties to the election work right from 1st February 1957, to 21st March 1957, but his remuneration has not been shown in the election expenses.

- (d) Similarly, Babu Lal, Gwal Dass, Kishan Lal, Guman Singh, and about 10 other persons, who are permanent employees of the respondent, were switched off from their normal duties to election work. Their remuneration has not been shown in the election expenses.

These persons named in C1. (c) & (d) were taken out of their previous normal work and put on election work and thus they were employed by the candidate in connection with the election and such employment was for payment during the entire period of election.

- (e) That the respondent had purchased electoral rolls, and other election literature, but that too has been deliberately omitted in the return of election expenses.
- (f) That the respondent has omitted huge expenditure incurred by him at Balotra in connection with the payment to canvassers and in feeding his workers, which was done by him on an extensive scale.

All these expenses incurred exceed the maximum prescribed by law.

14. As stated in paragraph 7 above the respondent was disqualified from standing as a candidate for, and being elected, a member of the House of the People. All the corrupt practices stated above have been committed by the respondent and/or his Election Agent and/or other persons with his or his Election Agent's consent. These practices and the general atmosphere of terror and fear created by the respondent and his agents and supporters in the said Constituency have materially affected the result of the election.

15. If the votes obtained by the respondent by threatening the voters and exercising undue influence upon them and by adopting other corrupt practices are eliminated, and/on the votes which would have been cast in favour of the petitioner if his voters had not been prevented by the said corrupt practices are taken into consideration, the petitioner would be entitled to be declared to have been elected to the Lok Sabha from this Constituency.

Therefore, it is respectfully prayed that the election of the respondent be declared to be void, and the petitioner be declared to have been duly elected to the House of People, and such other or further relief be granted including costs as might appear fit and proper.

It is humbly prayed accordingly.

GOBARDHANDAS BINANI,

Petitioner.

Verified by me Gobardhandas Binani, Election Petitioner at Delhi, this 3rd day of May, 1957, that paragraphs No. 1 to 6 above are true within my knowledge, and paragraphs No. 7 to 15 are true on information received and believed by me to be true.

GOBARDHANDAS BINANI,

Petitioner.

[No. 82/434/57.]

By Order,

DIN DAYAL, Under Secy.

